



BY: Jason Schaefer

FLOOR AMENDMENT NO. _____

Amend C.S.S.B. No. 8 (house committee report) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION _____. Section 245.005(e), Health and Safety Code, is amended to read as follows:

(e) As a condition for renewal of a license, the licensee must submit to the department the annual license renewal fee and an annual report~~[, including the report required under Section 245.011]~~.

SECTION _____. The heading to Section 245.011, Health and Safety Code, is amended to read as follows:

Sec. 245.011. PHYSICIAN REPORTING REQUIREMENTS; CRIMINAL PENALTY.

SECTION _____. Section 245.011, Health and Safety Code, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsections (f) and (g) to read as follows:

(a) A physician who performs an abortion at an ~~[Each]~~ abortion facility must complete and submit a monthly ~~[an annual]~~ report to the department on each abortion ~~[that is]~~ performed by the physician at the abortion facility. The report must be submitted on a form provided by the department.

(b) The report may not identify by any means ~~[the physician performing the abortion or]~~ the patient.

(d) Except as provided by Section 245.023, all information and records held by the department under this chapter are confidential and are not open records for the purposes of Chapter 552, Government Code. That information may not be released or made public on subpoena or otherwise, except that release may be made:

1 (1) for statistical purposes, but only if a person,
2 patient, physician performing an abortion, or abortion facility
3 is not identified;

4 (2) with the consent of each person, patient,
5 physician, and abortion facility identified in the information
6 released;

7 (3) to medical personnel, appropriate state agencies,
8 or county and district courts to enforce this chapter; or

9 (4) to appropriate state licensing boards to enforce
10 state licensing laws.

11 (e) A person commits an offense if the person violates
12 Subsection (b), (c), or (d) [this section]. An offense under
13 this subsection is a Class A misdemeanor.

14 (f) Not later than the 15th day of each month, a physician
15 shall submit to the department the report required by this
16 section for each abortion performed by the physician at an
17 abortion facility in the preceding calendar month.

18 (g) The department shall establish and maintain a secure
19 electronic reporting system for the submission of the reports
20 required by this section. The department shall adopt procedures
21 to enforce this section and to ensure that only physicians who
22 perform one or more abortions during the preceding calendar
23 month are required to file the reports under this section for
24 that month.

25 SECTION _____. Chapter 245, Health and Safety Code, is
26 amended by adding Sections 245.0115 and 245.0116 to read as
27 follows:

28 Sec. 245.0115. NOTIFICATION. Not later than the seventh
29 day after the date the report required by Section 245.011 is
30 due, the commissioner of state health services shall notify the
31 Texas Medical Board of a violation of that section.

1 Sec. 245.0116. DEPARTMENT REPORT. (a) The department
2 shall publish on its Internet website a monthly report
3 containing aggregate data of the information in the reports
4 submitted under Section 245.011.

5 (b) The department's monthly report may not identify by
6 any means an abortion facility, a physician performing the
7 abortion, or a patient.

8 (2) On page 15, line 12, between "implement" and
9 "Chapters", insert "Section 245.011, Health and Safety Code, as
10 amended by this Act, and".

11 (3) On page 15, between lines 14 and 15, insert the
12 following appropriately numbered subdivision and renumber
13 subsequent subdivisions and cross-references to those
14 subdivisions accordingly:

15 () as soon as practicable after the effective date of
16 this Act, develop the electronic reporting system required by
17 Section 245.011, Health and Safety Code, as amended by this Act;